

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

REMBRANDT SOCIAL MEDIA, LP

Plaintiff,

v.

FACEBOOK, INC.

Defendant.

C.A. No. 1:13-cv-158(TSE)(TRJ)

JOINT PRE-TRIAL STIPULATION

In an effort to streamline the presentation of the evidence at trial and to facilitate the jury's ability to resolve the questions presented at trial, the parties stipulate as follows:

1. Opening Statements and Closing Arguments Time Limit. Openings will each be limited to 45 minutes per side and closings will each be limited to 60 minutes per side.

2. Deposition Designation Exchanges. The party calling the witness will be responsible for creating a single video presentation including designations from both parties. By 5:00 pm of no later than the day before presentation of the video, the party offering the testimony will send a clip report (i.e., page and line citations) of direct designations; at 9:00 pm, the other party will respond with objections and counter-designations; at 10:00 pm the party offering the testimony will respond with objections to counter-designations. At 10:00 pm on the day before the presentation, the parties will meet and confer to attempt to resolve objections, if necessary.

To the extent a party wishes to have more time to prepare its video presentation, it may at its discretion choose to send a clip report of direct designation at 5:00 pm one day earlier than the above schedule contemplates (two days before the presentation of the video); at 9:00 pm that same evening, the other party will respond with objections and counter-designations; and at 10:00 pm the party offering the testimony will respond with objections to counter-designations, and the parties will meet and confer to attempt to resolve objections, if necessary, at 10:00 pm.

The parties agree to raise any remaining objections with the Court on the morning of the trial day the testimony will be played. Deposition counter-designations will be counted against the counter-designator's time. All counter-designations will be played along with the direct designations in the order they appear in the deposition during the "direct examination" portion of the video playback.

3. Deadlines to Resolve Exhibit Objections. The parties will meet and confer on June 5, 2013 in an effort to resolve any outstanding exhibit objections.

4. Agreed Juror Notebook. Jurors will be provided with a juror notebook containing a list of construed claim terms and their constructions and copies of the patents-in-suit.

5. Juror Participation. The parties shall ask the Court to allow the jurors to take notes and be able to use their own notes during deliberations.

6. Final Notification of Live Witnesses and Witness Order. Each party shall notify the opposing party by 7:00 pm of the identity and the order in which they plan to call live witnesses the following day and provide a listing of all exhibits a party intends to use in direct examination the following day by exhibit number and intended witness but no such listing is

required for adverse direct examinations to the extent permitted. Before the first day of trial, the foregoing notice shall be provided by 5:00 pm the day before. The opposing party shall provide any objections to the disclosed witnesses and exhibits by 9:00 pm of the day before the witnesses are to be called. The parties will meet and confer at 10:00 pm of the day before the witnesses are to be called to resolve any objections, if necessary, and will raise any unresolved objections with the Court on the morning of the trial day the witnesses are to be called.

7. Demonstrative Exhibits. Demonstrative exhibits (*i.e.*, those that do not go back into the jury room) need not be listed on the parties' trial exhibit lists. Those to be used on direct examination and in opening statements will be provided to opposing counsel by 7:00 pm the night before the session in which they will be used. If the parties have objections to any Demonstrative Exhibit that has not been admitted, the objecting party will call or email the other side by 9:00 pm and attempt to resolve any objections before taking them up with the Court.

8. Agreed Jury Instructions. The parties will exchange proposed preliminary and final jury instructions on agreed dates as required by the Court, will ask the court to give substantive preliminary instructions, and will try to reach final agreement on preliminary instructions before the trial begins and on final instructions before the court sets a charge conference.

9. Court to Instruct Jury Before Final Arguments. The parties will ask the court to instruct the jury before final arguments.

10. Shared Audio-Visual Equipment & Electronic Versions of Displays. The parties will share any courtroom audio-visual equipment and will provide each other electronic versions of whatever they display by 6:00 pm that evening.

AGREED: June 3, 2014

FISH & RICHARDSON P.C.

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Counsel for Defendant Facebook, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2013, I served the foregoing document, **JOINT PRE-TRIAL STIPULATION**, via the Court's ECF system on all opposing counsel authorized to receive such notices.

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